

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred Senate Bill No. 17 entitled “An act relating to sheriff reforms”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Findings * * *

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

10 (1) Sheriffs provide essential public safety services to the State,
11 counties, and communities of Vermont.

12 (2) Incidents of criminal and unprofessional behavior by elected sheriffs
13 and sheriff’s deputies have shaken the public’s trust in the office of sheriff.

14 (3) The office of sheriff requires reform to provide more consistent
15 structure, financial practices, accountability, and increased transparency.

16 (4) While criminal charges or misconduct may lead to sanctions on
17 Vermont sheriffs, including decertification by the Vermont Criminal Justice
18 Council, removal from office can only be achieved through expiration of term,
19 resignation, or impeachment by the General Assembly.

20 * * * Audits * * *

21 Sec. 2. 24 V.S.A. § 290 is amended to read:

1 § 290. COUNTY SHERIFF’S DEPARTMENT

2 * * *

3 (d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff,
4 ~~or upon notice of the resignation of the sheriff,~~ an announcement that the
5 incumbent sheriff will not seek reelection, or an announcement that the
6 incumbent sheriff intends to resign, whichever occurs earliest, all financial
7 disbursements from the accounts of the department, including the transfer of
8 real or personal property, or other assets, of the department, shall be co-signed
9 by the sheriff and the assistant judges. The sheriff shall provide a written
10 transition plan to the assistant judge detailing all anticipated disbursements or
11 transfers of departmental assets. Assistant judges shall consult with the
12 Department and Sheriff’s Executive Committee prior to co-signing any
13 disbursements or transfer of sheriff’s department assets.

14 (2) ~~A~~ An assistant judge shall forward the sheriff’s written transition
15 plan and a report of all financial disbursements ~~or~~ and transfers made pursuant
16 to this subsection shall be forwarded by the assistant judges to the Auditor of
17 Accounts within 15 days of completion of the out-going sheriff’s duties
18 following the sheriff leaving office.

19 Sec. 3. 24 V.S.A. § 290b is amended to read:

20 § 290b. AUDITS

21 * * *

1 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
2 uniform system of accounts, controls, and procedures for the sheriff's
3 department, which accurately reflects the receipt and disbursement of all funds
4 by the department, the sheriff, and all employees of the department. The
5 uniform system shall include:

6 * * *

7 (8) procedures and controls ~~which~~ that identify revenues received from
8 public entities through appropriations or grants from the federal, State, or local
9 governments from revenues received through contracts with private entities;

10 ~~and~~

11 (9) procedures to notify the Auditor of Accounts and the Department of
12 State's Attorneys and Sheriffs of the establishment and activities of any
13 nonpublic organization of which the sheriff or any employee of the sheriff is a
14 director or participant and that has a mission or purpose of supplementing the
15 efforts of the sheriff's department; and

16 (10) other procedures and requirements as the Auditor of Accounts
17 deems necessary.

18 (c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at
19 any time examine the records, accounts, books, papers, contracts, reports, and
20 other materials of the county sheriff departments as they pertain to the
21 financial transactions, obligations, assets, and receipts of that department. The

1 Auditor ~~or his or her designee shall conduct an audit of the accounts for a~~
2 ~~sheriff's department whenever the incumbent sheriff leaves office, and the~~
3 ~~auditor shall charge for the any associated costs of the report pursuant to in the~~
4 ~~same manner described in 32 V.S.A. § 168(b).~~

5 * * *

6 * * * Conflict of Interest * * *

7 Sec. 4. 24 V.S.A. § 314 is added to read:

8 § 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF
9 INTEREST

10 (a) The State Code of Ethics and associated definitions set forth under
11 3 V.S.A. §§ 1201–1205 shall be applicable to sheriffs and deputy sheriffs. A
12 conflict of interest may exist when a sheriff's or deputy sheriff's immediate
13 family, or the sheriff's or deputy sheriff's business associate, or an
14 organization of which the sheriff or deputy sheriff is affiliated interferes with
15 the proper discharge of a lawful duty.

16 (b) A sheriff or deputy sheriff shall avoid any conflict of interest or the
17 appearance of a conflict of interest. Except as otherwise provided in
18 subsection (c) of this section, when confronted with a conflict of interest or an
19 appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the
20 conflict of interest to the Sheriff's Executive Committee, recuse themselves
21 from the matter, and not take further action on the matter.

1 calculation for the compensation and a schedule of payment; provided that a
2 sheriff's compensation for administration shall not exceed five percent of the
3 contract. A sheriff's rate of compensation shall be at a rate equivalent to other
4 employees of the department who provide similar services under the contract.
5 Compensation to the sheriff shall be made in accordance with the schedule set
6 forth in the contract but in no event may a sheriff be compensated for
7 administration of the contract and related services unless the compensation is
8 made in the same calendar year in which the revenue was received by the
9 department under the contract. Funds derived from charges for the
10 administration of a contract, if used for sheriff, sheriff deputy, or other
11 departmental employee compensation, bonuses, salary supplements, retirement
12 contributions, or employment benefits, shall be expended in accordance with
13 the model policy created and maintained by the Department of State's
14 Attorneys and Sheriffs. Willful failure to comply with this policy shall
15 constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

16 * * *

17 (f) An agreement or contract for sheriff's departments to provide law
18 enforcement or security services to county and State courthouses shall be
19 subject to a single, statewide contracted rate of pay for such services over all
20 county and State courthouses.

21 Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS

1 MODEL POLICY

2 (a) On or before January 1, 2024, the Department of State’s Attorneys and
3 Sheriffs, after receiving input from the sheriffs, the Vermont Criminal Justice
4 Council, the Auditor of Accounts, and the Department of Human Resources,
5 and after receiving approval from the Vermont Criminal Justice Council, shall
6 issue a Sheriff’s Departments Compensation and Benefits Model Policy.

7 (b) The Sheriff’s Departments Compensation and Benefits Model Policy
8 shall address the structure and use of funds for compensation, bonuses, salary
9 supplements, retirement contributions, and employment benefits for sheriffs,
10 sheriff’s deputies, and other departmental employees.

11 Sec. 5b. 24 V.S.A. § 367 is amended to read:

12 § 367. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS

13 * * *

14 (e)(1) The Executive Director of the Department of State’s Attorneys and
15 Sheriffs, in consultation with the Sheriff’s Executive Committee, shall appoint
16 a Deputy Director of Sheriffs who shall serve at the pleasure of the Executive
17 Director.

18 (2) The Deputy Director of Sheriffs shall administer sheriffs’
19 departments’ benefits and payroll; provide centralized support services for the
20 sheriffs with respect to budgetary planning, training, and office management;
21 and perform such other duties as directed by the Executive Director.

1 five current sheriffs, elected for a two-year term by a vote of the sheriffs held
2 not later than January 15, for a term starting February 1. The Executive
3 Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two
4 members at large. The Executive Committee shall meet at least quarterly to
5 provide input to the Department of State’s Attorneys and sheriffs regarding
6 budget, legislation, personnel and policies, and the assignment of positions,
7 when vacancies arise, for efficient use of resources.

8 * * * Sheriff Duties * * *

9 Sec. 6. 24 V.S.A. § 293 is amended to read:

10 § 293. DUTIES

11 (a) A sheriff so commissioned and sworn shall serve and execute lawful
12 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
13 the precept thereof, and do all other things pertaining to the office of sheriff.

14 (b) A sheriff shall maintain a record of the sheriff’s work schedule,
15 including work days, leave taken, and any remote work performed outside the
16 sheriff’s district for a period of more than three days.

17 (c) Each sheriff’s department shall comply with the provisions of the
18 standard operating procedures manuals and policy manuals created and
19 maintained by the Department of State’s Attorneys and Sheriffs.

20 (d) If an individual who has a relief from abuse order pursuant to 15 V.S.A.
21 § 1103 requires assistance in the retrieval of personal belongings from the

1 individual's residence, and the individual requests assistance from a sheriff's
2 department providing law enforcement services for the county in which that
3 individual resides, the sheriff's department shall provide the assistance. A
4 sheriff's department shall not seek a fee from the individual being assisted in
5 the retrieval of personal belongings from the residence or any representative of
6 that individual.

7 Sec. 7. 24 V.S.A. § 293(e) is added to read:

8 (e) A sheriff shall provide a minimum of one deputy sheriff, certified as a
9 law enforcement officer in accordance with 20 V.S.A. § 2358, for law
10 enforcement and security services for each county and State courthouse within
11 the sheriff's county of jurisdiction in accordance with section 291a of this title.

12 Sec. 7a. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE
13 SECURITY; REPORT

14 On or before December 1, 2023, the Judiciary, in consultation with the
15 Department of State's Attorneys and Sheriffs, shall report to the House
16 Committee on Government Operations and Military Affairs and the Senate
17 Committee on Government Operations on the number of sheriff's deputies
18 needed to be made available to provide law enforcement and security services
19 to county and State courthouses to facilitate regular courthouse operations.
20 The report shall also include recommendations regarding any needed creation
21 of classified positions responsible for courthouse security services, similar to

1 the classified position of transport deputy, and any corresponding budget
2 request for these positions.

3 Sec. 8. 24 V.S.A. § 299 is amended to read:

4 § 299. DUTIES AS PEACE OFFICER

5 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
6 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to 20
7 V.S.A. chapter 151. ~~He or she~~ A sheriff may apprehend, without warrant,
8 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
9 before a the Criminal Division of the Superior Court, which shall proceed with
10 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
11 process issued by ~~such~~ the court.

12 * * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

13 Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

14 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

15 * * * Sheriff's Departments Reform Report * * *

16 Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

17 On or before November 15, 2023, the Department of State's Attorneys and
18 Sheriffs, in consultation with the Vermont Criminal Justice Council, the
19 Auditor of Accounts, the Vermont Association of County Judges, the Chief
20 Superior Court Judge, and the Vermont Sheriffs Association, shall report to the

1 House Committee on Government Operations and Military Affairs and the
2 Senate Committee on Government Operations on the following:

3 (1) recommended policies and best practices to be included in standard
4 operating procedures, manuals and policy manuals;

5 (2) increasing efficiency and equity in the delivery of public safety services
6 by sheriff's departments;

7 (3) recommendations for the compensation structure and levels of sheriffs,
8 deputies, and departmental staff, including salaries, overtime, retirement, and
9 benefits;

10 (4) the duties of sheriffs, including law enforcement and administration of
11 sheriff's departments;

12 (5) recommended membership and duties of an advisory commission for
13 sheriffs comparable to, or combined with, the Vermont State Police Advisory
14 Commission, as related to both conduct and administration of sheriff's
15 departments;

16 (6) the creation of a sustainable funding model for sheriff's departments,
17 including the consolidation or reorganization of sheriff's departments;

18 (7) recommendations for the Department of State's Attorneys and Sheriffs
19 to better provide oversight and support for State's Attorneys and sheriffs; and

20 (8) recommendations for the scope and timing of public sector management
21 training that sheriffs should receive upon election and on a continuing basis to

1 ensure departmental operations and management of public funds are consistent
2 with generally accepted standards.

3 * * * Effective Dates * * *

4 Sec. 11. EFFECTIVE DATES

5 This act shall take effect on passage, except that Sec. 5 (amending 24
6 V.S.A. § 291a) shall take effect on January 1, 2024, and Sec. 7 (adding 24
7 V.S.A. § 293(e)) shall take effect on July 1, 2024.